

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

LAFACE RECORDS LLC, a Delaware limited liability company; UMG RECORDINGS, INC., a Delaware corporation; and BMG MUSIC, a New York general partnership,)
vs.) Case No. 1:08-cv-00480
TANACCA BREWER,) Honorable P. Michael Mahoney
Defendant.)

PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO EFFECTUATE SERVICE

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiffs ask this Court for an additional 90 days to serve the Defendant with the Summons and Complaint. In support of their Motion, Plaintiffs state as follows:

1. Plaintiffs filed their Complaint on January 22, 2008. At the time of the filing, Plaintiffs engaged a process server ("ABC Legal") to serve the Defendant.
2. ABC Legal attempted to serve the Defendant at the address listed on the Summons, but was informed that the Defendant was not known at that address. See Declaration of Non Service dated March 22, 2008, Exhibit A.
3. ABC Legal then conducted an investigation to locate the Defendant. See Confidential Investigation Report dated May 12, 2008, Exhibit B. ABC Legal discovered a potential address for Defendant in Joliet, Illinois. Id.
4. ABC Legal attempted to serve Defendant at the Joliet address on May 7, 2008. See ABC Legal Declaration of Non Service dated May 7, 2008, Exhibit C. ABC Legal's process server spoke with Defendant's mother, who stated that Defendant lives in DeKalb, at the address on the Summons. See Id.

5. Plaintiffs have reason to believe that Defendant may be attempting to avoid service. ABC Legal is again attempting to serve the Defendant at the address on the Summons, and is conducting further investigations into Defendant's whereabouts.

6. In light of Plaintiffs' diligence in attempting to serve the Defendant and given the circumstances of this case, Plaintiffs respectfully request an additional 90 days to effectuate service.

7. Plaintiffs' diligence in seeking to serve the Defendant demonstrates the "good cause" required under Rule 4 for an extension of the time for service. See Ritts v. Dealers Alliance Credit Corp., 989 F. Supp. 1475, 1479 (N.D. Ga. 1997) (stating that the court shall extend the time for a plaintiff to effectuate service of process upon a showing of good cause). Moreover, this Court has discretion to enlarge the time to serve even where there is no good cause shown. See Henderson v. United States, 517 U.S. 654, 658 n.5 (1996).

8. Because the copyright infringements alleged here occurred in 2007, the three-year limitations period for these claims has not expired. See 17 U.S.C. § 507(b) (2000). The Defendant is therefore not prejudiced by any delay in serving the complaint.

9. Plaintiffs will provide the Defendant with a copy of this request and any order concerning this request when service of process occurs.

DATED: May 14, 2008

Respectfully submitted,

LAFACE RECORDS LLC, UMG RECORDINGS,
INC., and BMG MUSIC

By: /s/ Ann Marie Bredin
One of their attorneys

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